FARAD CONSTITUTION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE,
NAGPUR BENCH, NAGPUR

WRIT PETITION NO.6475/2005

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's orders.	Court's or Judge's Orders

CORAM:- **D.D. SINHA &**
A.B. CHAUDHARI, JJ.
DATED :- 10.01.2007

Heard Shri Jayant Pendsey, learned Counsel for the petitioners, learned A.G.P. for respondent Nos.1 to 3 and Shri S.A. Gordey, learned Counsel for respondent Nos.4 and 5.

Shri Pendsey, learned Counsel for the petitioners states that in the instant case the land which is acquired by the State Government for extension of Gaothan was not suitable for the said public purpose because of the location of the land. It is contended that the land in question is located beyond the highway and at least one and half kilometer away from the present abadi, and therefore, is not suitable for extension of Gaothan.

Shri Gordey, learned Counsel for the

respondent Nos.4 and 5/Grampanchayat has also contended that the land in question was not suitable for extension of Gaothan. Resolution to that effect was also passed by the Grampanchayat. Learned A.G.P. for respondent Nos.1 to 3 states that the Land Acquisition proceedings are already over, award is also passed and possession of land is also taken.

We have considered the contentions canvassed by the respective Counsel. Since the Land Acquisition proceedings are concluded, award is also passed and possession of land is already taken, the grievance of the petitioners cannot be considered at such belated stage in view of the settled legal position in this regard.

In the circumstances, no case is made out for showing indulgence. The same is dismissed.

JUDGE **JUDGE**

ssw